

PART C

Sec. C-1. 24-A MRSA §6915, as enacted by PL 2003, c.469, Pt. A, §8, is amended to read:

§6915. Dirigo Health Enterprise Fund account

The Dirigo Health Enterprise Fund account is created as ~~a dedicated~~ an enterprise fund for the deposit of any funds advanced for initial operating expenses, payments made by employers and individuals, any savings offset payments made pursuant to section 6913 and any funds received from any public or private source. The fund may not lapse, but must be carried forward to carry out the purpose of this chapter.

Sec. C-2. Establishment of account. The Board of Directors of Dirigo Health shall establish, through the Department of Administrative and Financial Services, Office of the State Controller, the Dirigo Health Enterprise Fund account. All prior references to Other Special Revenue funds or a dedicated account in reference to Dirigo Health must be replaced with references to the Dirigo Health Enterprise Fund, and all allocations transfer from Other Special Revenue funds to the Dirigo Health Enterprise Fund.

PART D

Sec. D-1. Department of Administrative and Financial Services; lease-purchase authorization. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services in cooperation with the Treasurer of State may enter into financing arrangements in fiscal years 2005-06 and 2006-07 for the acquisition of motor vehicles for the Central Motor Pool. The financing agreements entered into in each fiscal year may not exceed \$5,000,000 in principal costs, and no financing arrangement may exceed 4 years in duration. The interest rate may not exceed 7%. The annual principal and interest costs must be paid from the appropriate line category allocations in the Central Motor Pool account.

Sec. D-2. Department of Administrative and Financial Services; lease-purchase authorization. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services on behalf of the Department of Public Safety may enter into financing arrangements in fiscal years 2005-06 and 2006-07 for the acquisition of motor vehicles for the Maine State Police. The financing arrangements entered into each fiscal year may not exceed \$1,800,000 in principal costs, and no financing arrangement may exceed 3 years in duration. The interest rate may not exceed 7% and total interest costs with respect to the financing arrangements entered into in each fiscal year may not exceed \$200,000. The annual principal and interest costs must be paid from the appropriate line category appropriations and allocations in the Department of Public Safety accounts.

PART E

Sec. E-1. 20-A MRSA §10952 sub-§7 is amended to read:

7. Borrow money. To borrow money pursuant to this chapter and issue evidences of indebtedness to finance the acquisition, construction, reconstruction, improvement or equipping of any one project, or more than one, or any combination of projects, or to refund evidences of indebtedness hereafter issued or to refund general obligation debt of the State, or to refund any such refunding evidences of indebtedness or for any one, or more than one, or all of those purposes, or any combination of those purposes, and to provide for the security and payment of those evidences of indebtedness and for the rights of the holders of them, except that any borrowing pursuant to this chapter, exclusive of borrowing to refund evidences of indebtedness, to refund general obligation debt of the State, or to fund issuance costs or necessary reserves, may not exceed in the aggregate principal amount outstanding at any time ~~\$170,000,000~~ \$220,000,000, ~~and except that no borrowing may be effected pursuant to this chapter unless the amount of the borrowing and the project or projects are submitted to the legislative Office of Fiscal and Program Review for review by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs at least 60 days before closing on such borrowing for the project or projects is to be initiated;~~

PART F

Sec. F-1. Creative Economy. Notwithstanding any other provision of law, the Department of Economic and Community Development shall transfer revenues in excess of \$7,554,189 in the Tourism Marketing Promotion Fund to an Other Special Revenue Fund account in fiscal years 2005-06 and 2006-07 to be used for the department's initiatives to expand tourism development, promote and develop Maine's economy, and promotion of Maine through business attraction marketing efforts.

PART G

Sec. G-1 Matching funds. The Maine Community College System shall use the distribution from the gross slot revenue of \$989,352 in fiscal year 2006-07 to match \$1,000,000 for Osher Scholarships.

PART H

Sec. H-1. 5 MRSA § 287-A is repealed.

Sec. H-2. 5 MRSA § 1811, sub §3,4,5,6,7 and 9 are repealed.

Sec. H-3. 5 MRSA is § 1813-A is repealed.

Sec. H-4 5 MRSA, Chapter 155-A is enacted to read:

Chapter 155-A: CENTRAL FLEET MANAGEMENT AND CENTRAL SERVICES

Subchapter 1: GENERAL PROVISIONS

Sec. H-5. 5 MRSA§ 1827 is enacted to read:

§1827 Powers and Duties

The Department of Administrative and Financial Services, through the Bureau of General Services, has authority to establish the Central Fleet Management and Central Services Divisions in the Bureau of General Services, Department of Administrative and Financial Services, for the purpose of operating the Postal Service, Central Copy and Duplicating, Central Warehouse, Surplus Property, Central Mail Room and Central Fleet Management. The Bureau of General Services has authority:

1. Postal Service. To purchase or contract for all postal service required for the use of the State Government or any department or agency thereof;

2. Central Copy and Duplicating. To establish and conduct a central printing service, copy service and audio visual service at the seat of government. Such services must be available to all departments and agencies of the State Government. The Director of the Bureau of General Services is empowered to make charges to those departments and agencies of the State Government making use of the facilities and supplies of the central printing service;

3. Central Warehouse. To establish and operate, with the approval of the Commissioner of Administrative and Financial Services, a warehouse that, in the judgment of the Director of the Bureau of General Services, is determined necessary for the storage and distribution of supplies, materials and equipment by resale, rental or other method, required for use by the State Government or any department or agency, or any political subdivision or school administrative unit. In accordance with section 1587, the Director of the Bureau of General Services may purchase, lease, lease-purchase or enter into other financing agreements for the acquisition of equipment in accordance with this subsection when it can be demonstrated that any such action or agreement provides a clear cost advantage to the State;

4. Central Mail Room. To establish and conduct a central mail room for the state departments and agencies at the seat of government;

5. Surplus Property. To transfer to or between state departments and agencies or educational institutions, or sell supplies, materials and equipment which are surplus, obsolete or unused;

6. Internal Service Accounts.

The Bureau of General Services shall be permitted to maintain or establish, through the Office of the State Controller, an Internal Service Fund Accounts for each of the central services described in sections 1 through 5 above. The funds deposited in the account must include, but are not limited to, appropriations made to the account, funds transferred to the account from within the Department of Administrative and Financial Services funds received from state departments and agencies using the services provided by the central services, and earnings by the fund from the Treasurer of State's pool.

Each of the central services described in sections 1 through 5 above may levy charges according to a rate schedule recommended by the Director of the Bureau of General Services and approved by the Commissioner of Administrative and Financial Services against all departments and agencies using their services.

Sec. H-6. 5 MRSA §1828 is enacted to read

**§1828 Sales of Surplus Property to Educational Institutions,
Qualifying nonprofit organizations and Educational Institutions**

1. **Definitions.** As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.
 - A. "Educational institution" means any public elementary or secondary school, any elementary or secondary private school approved for tuition whose school enrollment is at least 60% publicly funded students as determined by the previous school year's October to April average enrollment, any nonpublic post-secondary school or any applied technology region.
 - B. "Qualifying nonprofit organization" means a public or private nonprofit entity that owns or operates a project or facility for the homeless; a nonprofit organization that has been determined to be exempt from taxation under the United States Internal Revenue Code, Section 501 (c) and that provides services to persons with physical or mental handicaps as defined in section 4553, subsection 7-A; or a nonprofit organization that has been determined to be exempt from taxation under the United States Internal Revenue Code, Section 501(c) and that contracts with the Department of Human Services to provide vehicles to low-income families to assist them in participating in work, education or training.
 - C. "Fire department" means a department required to report to the State Fire Marshal pursuant to Title 25, section 2395.
2. **Surplus property.** Pursuant to this chapter and rules adopted under section 1813, the Department of Administrative and Financial Services through the Bureau of General Services shall allow private sales of surplus property to nonprofit organizations that contract with the Department of Human Services to provide affordable vehicles to low-income families to assist them in participating in work, education or training; to homeless shelter sponsors; and to educational institutions.

3. Computers to fire departments. Notwithstanding any requirement of this chapter or rules adopted pursuant to this chapter, a fire department may purchase one personal computer from the Bureau of General Services to be used for reporting to the State Fire Marshal as required under Title 25, section 2395. The Bureau of General Services may charge a fire department only the reasonable administrative and handling costs of no more than \$35 for the purchase of a personal computer under this subsection.

Sec. H-7. 5 MRSA§ 1829-A is enacted to read:

§1829-A Federal Surplus Property

The Department of Administrative and Financial Services is designated as the state agency to receive and distribute federal surplus property which may become available for distribution to eligible recipients within this State. The department is authorized and empowered, through the Bureau of General Services, to acquire, warehouse, allocate and distribute surplus government property to all recipients within Maine who have been or who may later be designated as eligible to receive such surplus property by the Congress of the United States or any other federal official empowered to make such determination. The commissioner is authorized and empowered to enter into cooperative agreements with any duly authorized federal official to carry out the purposes of this section.

Upon transfer of surplus property to an eligible recipient, the commissioner shall charge and receive from that recipient money sufficient to cover the acquisition, warehousing, handling, administrative and delivery costs chargeable to that property. The department shall employ and assign such supervisory and clerical personnel as may be necessary to carry out this section, subject to the Civil Service Law.

Sec. H-8. 5 MRSA§ 1829-B is enacted to read:

§1829-B Central Fleet Management.

1. The Central Fleet Management Division shall be established in the Department of Administrative and Financial Services, Bureau of General Services for the purpose of acquiring, maintaining and managing vehicles for use by State Government and its employees on official state business, except the Department of Public Safety. The Central Fleet Management division shall rent or lease vehicles to agencies, except the Department of Public Safety, in accordance with an established rate structure. Revenues derived from operations must be used to acquire, replace and maintain vehicles; adequately staff the Central Fleet Management division; pay for required space; and otherwise provide for the overall operation of the Central Fleet Management division. Department vehicles that exceed the car, light duty truck and special use vehicle specifications are exempt from this section, but are required to report in accordance with this section. For the purposes of this section, the terms "car," "light duty truck" and "special use vehicles" refer to vehicles with Gross Vehicle Weight Rating (GVWR) less than 10,000 pounds.

A. The Bureau of General Services shall work closely with all departments and agencies to identify annual transportation and vehicle usage requirements to ensure that agency program requirements are met to the maximum extent possible. The bureau shall:

(1) Maintain the Central Fleet to service the transportation requirements of all state agencies not exempted under paragraph B, subparagraph (3) and their employees and control assignments of vehicles to ensure they are used to the best economic advantage of the State;

(2) Maintain records of transportation and vehicle requirements and all motor vehicles owned, leased and available for use for those agencies not exempted under paragraph B, subparagraph (3) and make this information available to state agencies;

(3) Require all state agencies not exempted under paragraph B, subparagraph (3) and their employees to use the Central Fleet when transportation is required. Employees requesting to use personal vehicles on state business are required to seek an exemption from the Central Fleet division;

(4) Acquire or replace Central Fleet vehicles in accordance with an established vehicle replacement policy;

(5) Transfer motor vehicles from other agencies, purchase, lease, lease-purchase or enter into other financing agreements, in accordance with section 1587, for the acquisition or replacement of motor vehicles in accordance with paragraph B when it can be demonstrated that any such action or agreement provides a clear cost or program advantage to the State;

(6) Establish facilities to store and maintain motor vehicles; and

(7) Devise a mechanism for the distribution of fuel by competitive bidding by commercial vendor, by the use of existing state-owned fueling facilities, and the establishment of a statewide credit card system.

B. The Bureau of General Services shall establish the following:

(1) Standards for vehicle operation;

(2) Specifications for vehicles to be acquired by the State; and

(3) Standards for the exemption or waiver of state agencies from the requirements of this section. The Director of the Bureau of General Services may provide a waiver to an agency or an employee requiring the use of the Central Fleet or the standards and criteria established under this section if the Director of the Bureau of General Services concludes that such a waiver is in the best economic interest of the State or critical agency mission.

Standards developed for Central Fleet usage by all state agencies not exempted under subparagraph (3) and employees of any such agency are available for inspection at the Central Fleet Management division's central office. The Director of the Bureau of General Services may provide a temporary waiver of the standards and criteria established under this section if the Director of the Bureau of General Services concludes that the unique conditions of program or employee function require such a waiver.

C. The Bureau of General Services shall establish, through the Office of the State Controller, the Central Fleet Management Internal Service Fund Account. The funds deposited in the account must include, but are not limited to, appropriations made to the account, funds transferred to the account from within the Department of Administrative and Financial Services funds received from state departments and agencies using the services provided by the bureau, earnings by the fund from the Treasurer of State's pool and proceeds from the sale of vehicles under the administrative control of the Central Fleet Management division by the state surplus property program in the Bureau of General Services in accordance with current provisions of law and paragraph B.

D. The Central Fleet Management division may levy charges according to a rate schedule recommended by the Director of the Bureau of General Services and approved by the Commissioner of Administrative and Financial Services against all departments and agencies using the services of the Central Fleet Management division.

E. Service charges for the rental and lease of motor vehicles must be calculated to provide for vehicle replacement costs, operating costs, necessary capital investment, personal services and sufficient working capital for the Central Fleet Management division.

F. The Central Fleet Management division may develop a method of assigning appropriate credits to be used to reduce the charges for those agencies from which the vehicles are transferred to the Central Fleet Management division. These credits must be calculated both to reasonably compensate the agencies and at the same time to assure adequate revenues to support the Central Fleet Management division.

G. The Director of the Bureau of General Services shall appoint, as approved by the Legislature and subject to the Civil Service Law, staff necessary to carry out the purposes of this section.

H. Each department or agency using the services of this program must budget adequate funds to pay for the leasing services provided by the Central Fleet Management division.

I. Notwithstanding section 1585, agencies that are in the process of transferring vehicle operations to the Central Fleet Management division may transfer Capital Expenditures funds to the All Other category for those agencies. The transfer of funds will allow agencies to pay vehicle expenses.

K. The Director of the Bureau of General Services shall report to the joint standing committees of the legislature having jurisdiction over state and local government matters and appropriations and financial affairs matters by February 15th of each year with respect to the status of current vehicle operations, projected requirements, anticipated costs and savings realized to date for each fiscal year

Sec. H-9. 5 MRSA§ 1811, sub-§8 is amended to read:

~~8.~~ 3. Cooperative Purchasing.

PART I

Sec. I-1. 12 MRSA, §685-B, sub-§2, paragraph B, as amended by PL 1995, c. 487, §1 is repealed.

Sec. I-2. Additional revenue; rulemaking. The Department of Conservation, Land Use Regulation Commission is currently authorized to assess fees through rulemaking. A fee of up to 0.25% of the estimated development costs for certain unique and complex projects will be assessed by the commission to generate an additional \$60,000 in each year of the biennium that will be deposited as General Fund undedicated revenue.

Sec. I-3. 12 M.R.S.A. section 685-E as amended by PL 2003, c. 688, Part C, §2 is further amended as follows:

Notwithstanding section 685-D, beginning with fiscal year 1991-92, funding for planning services and activities of the commission must be assessed and allocated to the unorganized territory in an amount not to exceed 10% of the total General Fund appropriation to the commission.

Beginning with fiscal year 2003-04, a town or a plantation in the commission's jurisdiction or a portion of a town or plantation within the commissions jurisdiction that elects not to administer land use controls at the local level but receives commission services, including planning, permitting and ensuring compliance, must be assessed a fee equal to .01% of the most recent equalized state valuation established by the State Tax Assessor for that town or plantation or a portion of a town or plantation within the commissions jurisdiction. The State Tax Assessor shall issue a warrant to each such town or plantation no later than March 1st of each year. The warrant is payable on demand. Interest charges on unpaid fees begin on June 30th of each year and are compounded monthly at the interest rate for unpaid property tax as established by the State Tax Assessor for the unorganized territory. For any assessment that remains unpaid as of September 1st of the year in which it is due, state revenue sharing to that town or plantation must be reduced by an amount equal to any unpaid warrant amount plus any accrued interest, until the amount is paid. These fees must be deposited to the General Fund.

PART J

Sec. J-1. Corrections Alternatives study. The Department of Corrections will conduct a study which identifies the cost and benefits and cost savings associated with the alternative corrections service delivery options.

1. Advisory Committee established. The Corrections Alternatives Advisory Committee is established to guide the development of the study of corrections service delivery options. The Advisory Committee is not a decision making body, but serves to provide advice and information to the Department of Corrections. The Advisory Committee consists of 8 members appointed as follows:

- a. The Commissioner of the Department of Corrections and two state corrections officials designated by the Commissioner;
- b. A representative of a statewide association of county commissioners nominated by the association and appointed by the Governor;
- c. A representative of a statewide association of county sheriffs nominated by the association and appointed by the Governor;
- d. A representative of a statewide association of county jails nominated by the association and appointed by the Governor;
- e. A municipal representative appointed by the Governor.

The Governor shall ask the Chief Justice of the Supreme Judicial Court to serve or name a designee to serve as a member of the Advisory Committee.

The Advisory Committee shall consult with labor unions representing both state and county employees and keep them informed regularly throughout the development of the study.

2. Appointments; chairs; meetings. All appointments must be made no later than 30 days following the effective date of this Act. The Governor shall appoint two co-chairs from among the membership of the committee, one representing the Department of Corrections and one representing county government. The co-chairs shall call and convene the first meeting of the committee no later than 15 days after appointments of all members. The Advisory Committee may meet as often as necessary to accomplish their work

3. Duties of the Advisory Committee. The Advisory Committee will oversee the development of a study which identifies the cost and benefits and cost savings associated with alternative corrections service delivery options that may include, but are not limited to:

- a. Improved collaboration between State and County government; and
- b. Regionalization opportunities and cost reductions

Each option will consider cost benefits and cost reductions, improved economies of scale, effective bed space management, appropriate staffing levels, and equal or improved program and service delivery. Options will be analyzed within the goal of achieving efficiencies and managing the cost of correctional services at both the state and county level. The study will include recommendations which include, but are not limited to:

- a. restructuring of county jails;
- b. a decision making process to approve the construction and financing of new correctional facilities;
- c. criteria for the use of an incentive fund established to further the recommendations of the study; and
- d. the level of state funding of county jails to include the existing funding through the Community Corrections Act and the County Jail Prisoner Support; and
- e. increased funding of cost effective correctional service delivery through the directing of other state revenues to fund the incentive program.

4. Report. Interim reports and proposed recommendations will be presented to the Intergovernmental Advisory Group for their review. The Intergovernmental Advisory Group will serve as a forum for soliciting public comment. The Department of Corrections will deliver the results of the final study with recommendations and implementing legislation to the joint standing committees of the Legislature having jurisdiction over criminal justice and public safety matters and to the joint standing committee of the Legislature having jurisdiction over state and local government no later than January 1, 2006. The cost of the study will not exceed \$300,000.

5. Corrections Incentive Fund recommendation. The Commissioner of the Department of Corrections will submit legislation establishing a Corrections Incentive Fund to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and to the joint standing committee of the Legislature having jurisdiction over state and local government no later than February 1, 2006. The purpose of the proposed Corrections Incentive Fund will be to achieve significant and sustainable savings in the cost of delivering correctional services by funding proposals which are consistent with the final study recommendations. The legislation will also include a provision for evaluating the effectiveness of the incentive fund and a requirement to sunset the fund unless there is sufficient evidence presented by the Department of Corrections to continue the program.

PART K

Sec. K-1. 27 MRSA, §89 is repealed and replaced with the following:

§89-A. Museum Sales Program and Publishing Endowment

1. Revolving fund. There is established within the Maine State Museum a revolving fund for the use of the museum to cover the operation of the museum sales program. The director is authorized to purchase, establish the price, sell, and restock through the museum sales program publications, reproductions, handcrafts, prints and paintings, gifts and decorative items, paper products, education materials, hobbyist materials, and other items that relate to the museum's mission and programs. Income from the sale of these materials shall be credited to the revolving fund to be used as a continuing carrying account to carry out the purposes of this subsection or subsection 2.

2. Maine State Museum Endowment for Publishing. On an annual basis, a percentage of the proceeds from the museum sales program's revolving fund may be deposited in the Maine State Museum Endowment for Publishing to be invested by the Treasurer of State according to the laws governing the investment of trust funds. The percentage deposited shall be determined by the director and approved by the Museum Commission after the director ensures that the funds remaining in the revolving fund are sufficient to sustain the museum sales program in a fiscally sound manner.

As determined by the director, the endowment's principal and interest may be used periodically to fund all or part of the costs of preparation, design, and printing of museum publications that will be sold or distributed through the museum sales program.

Private donations or grant funds to support the museum's publishing program may also be deposited into the endowment fund established in this subsection.

PART L

Sec. L-1. 5 MRSA §1742, sub§7, as amended by PL 2001, c. 506, §1, is amended to read:

7. Approve plans for public improvements. To approve all proposals, plans, specifications and contracts for public improvements that the State or any of its agencies hold in fee or by leasehold interest and for school administrative unit projects costing in excess of \$100,000. The commissioner shall, upon the request of a school administrative unit, provide consultation for any public improvement regardless of cost. ~~The Bureau of General Services may assess school administrative units the reasonable cost of services provided by the bureau for school construction projects for which budgets have been established subsequent to July 1, 1995.~~ The Bureau of General Services shall furnish a quarterly report to the project unit school board that details the services provided to the project during the time period covered by the report. The Bureau of General Services shall submit to the State Board of Education an annual report that summarizes the services provided each project;

Sec. L-2. 30-A MRSA §6006-F, sub-§3, ¶ I, as enacted by PL 1997, c. 787, §13, is repealed

PART M

Sec. M-1. 22 MRSA §8712 is amended by adding at the end the following:

5. Assisting efficiency in budgeting and planning. The organization shall prepare reports for the exclusive use of the Department of Administrative and Financial Services and the Governor's Office detailing the claims experience of health care benefits funded, in whole or in part, by the state's General Fund.

PART N

Sec N-1. Vacancy Report. The Department of Administrative and Financial Services will review vacant positions throughout state government, regardless of funding source. The Department shall submit a report to the joint standing committee having jurisdiction over appropriations and financial affairs by January 15, 2006 with any recommendations for position eliminations.

PART O

Sec. O-1. Commission established. That the Commission to Reform the State Budget Process, referred to in this section as "the commission," is established.

1. Commission membership. The commission consists of 12 members appointed as follows:

- The Commissioner of the Department of Administrative and Financial Services or a designee;
- The State Budget Officer;
- The State Controller;
- The Director of the State Planning Office or a designee;
- Two members of the Senate appointed by the President of the Senate;
- Two members of the House of Representatives appointed by the Speaker of the House;
- The Director of the Office of Fiscal and Program Review; and
- Three members of the public appointed by the Governor.

2. Appointments; chairs; meetings. All appointments must be made no later than 30 days following the effective date of this Act. The Governor shall appoint a chair from among the membership of the commission, who shall call and convene the first meeting of the commission no later than 15 days after appointments of all members. The commission may hold a total of 6 meetings, one of which may be a public hearing.

3. Duties. The Commission shall conduct its research and prepare recommendations on a number of budget related matters, including but not limited to:

- Establishing a "zero-based" budget where the initial funding amount for each program in state government is assumed to be zero and all proposed expenditures for the program are justified in the budget;
- Modifying the "current services" format used by departments and agencies currently by including a percent reduction from the previous year's appropriation or allocation and requiring additional expenditures for the program be justified in the budget;
- Proposing adjustments to the current "performance-based" budgeting in which funding is tied to measures that indicate how well a program is meeting the goals established;

4. Staff assistance. The Bureau of the Budget shall provide staffing assistance.

5. Report. The commission shall submit a report that includes its findings and recommendations, including legislation, to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs during the Second Regular Session of the 122nd Legislature no later than January 3, 2006. The commission is authorized to introduce legislation related to its report to the Second Regular Session of the 122nd Legislature at the time of submission of its report.

PART P

Sec. P-1. Department of Administrative and Financial Services; lease purchase authorization. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services, Office of Information Technology may enter into financing arrangements on or after July 1, 2005 for the acquisition of hardware, software and systems to support the operations of the Statewide Radio and Network System Reserve Fund, established in Title 5, section 1520. The financial agreements may not exceed 7 years in duration and \$10,000,000 in principal costs. The interest rate may not exceed 6% and interest costs may not exceed \$2,500,000.

The Department of Administrative and Financial Services, Office of Information Technology may enter into financing arrangements on or after July 1, 2006 for the acquisition of hardware, software and systems to support the operations of the Statewide Radio and Network System Reserve Fund, established in Title 5, section 1520. The financial agreements may not exceed 7 years in duration and \$10,000,000 in principal costs. The interest rate may not exceed 6% and interest costs may not exceed \$2,500,000. Annual principal and interest costs must be paid from the appropriate line category allocations in the Office of Information Technology, Statewide Radio and Network System Reserve Fund.

PART Q

Sec. Q-1 Transfer from General Fund Salary Plan; Maine Community College System. Notwithstanding the Maine Revised Statutes, Title 5, section 1676 or any other provision of law, in fiscal year 2005-06 and fiscal year 2006-07 the Maine Community College System may receive transfers from the General Fund Salary Plan for the costs of collective bargaining agreements for employees of the Maine Community College System in an amount not to exceed \$731,740 in fiscal year 2005-06 and \$1,583,959 in fiscal year 2006-07.

Sec. Q-2 Transfer from General Fund Salary Plan; Governor Baxter School for the Deaf. Notwithstanding the Maine Revised Statutes, Title 5, section 1676 or any other provision of law, in fiscal year 2005-06 and fiscal year 2006-07 the Governor Baxter School for the Deaf may receive transfers from the General Fund Salary Plan for the costs of collective bargaining agreements for employees of the Governor Baxter School for the Deaf in an amount not to exceed \$97,247 in fiscal year 2005-06 and \$197,411 in fiscal year 2006-07.

PART R

Sec. R-1 Transfer from unappropriated surplus. Notwithstanding any other provision of law, the State Controller shall transfer \$200,000 in fiscal year 2005-06 from the General Fund unappropriated surplus to the Maine Milk Pool, Other Special Revenue funds account within the Department of Agriculture, Food, and Rural Resources.

PART S

Sec. S-1. 22 MRSA §3174-M, sub-§2, as enacted by PL 1993, c. 410, Pt. I, §10 is repealed and replaced with the following:

2. Drug formulary committee. As authorized by Sec. 1927 (d) (4) (A) of 42 USC 1396r-8, the department will develop a formulary using the MaineCare Drug Utilization Review Committee.

A. A vote of 2/3 of the MaineCare Drug Utilization Review Committee members present is required to add or delete a drug from the list of drugs that are subject to reimbursement and coverage under the MaineCare program.

B. A determination under rules adopted pursuant to subsection 3 that a drug or category of drug is not covered by the MaineCare program is a final agency action subject to review under the Maine Administrative Procedures Act.

Sec. S -2. 22 MRSA §3174-M, sub-§3, as enacted by PL 1993, c. 410, Pt. I, §10 is repealed and replaced with the following:

3. Procedures; emergency. The department may adopt routine, technical rules as necessary to ensure a 96-hour supply of medication is available in emergency situations. Any drug provided under this emergency procedure is considered a Medicaid-covered service pending departmental action.

PART T

Sec. T -1. 36 M.R.S.A. §2551, sub-§1-B, is enacted to read:

1-B. Day habilitation services. “Day habilitation services” means services provided by community-based agencies to children or adults with mental retardation and include assistance with the acquisition, retention or improvement of self-help, socialization and adaptive living skills. Day habilitation services take place in a non-residential setting separate from the home or facility in which the child or adult resides, except where a physician has ordered that such services be provided in the child’s or adult’s home, and focus on enabling the child or adult to attain or maintain maximum functional levels. Day habilitation services include only those services provided by designated agencies under a contract with the Department of Health and Human Services.

Sec. T -2. 36 M.R.S.A. §2551, sub-§7-A, is enacted to read:

7-A. Personal support services. “Personal support services” means services provided to children or adults with mental retardation and include direct assistance with eating, bathing, dressing, personal hygiene and other activities of daily living. This service may include assistance with instrumental activities of daily living such as assistance with the preparation of meals, but does not include the cost of the meals themselves. If specified in the child’s or adult’s care plan, this service may also include such housekeeping chores as bed making, dusting and vacuuming, which are incidental to the care furnished, or which are essential to the health and welfare of the child or the adult. Personal support services may be provided by a provider unrelated to the child or the adult or by an adult relative other than an adult recipient’s spouse, but personal support services cannot be provided in the same setting where residential training is provided. Personal support services include only those services provided by designated agencies under a contract with the Department of Health and Human Services.

Sec. T -3. 36 M.R.S.A. §2551, sub-§13-A, is enacted to read:

13-A. Residential training services. “Residential training services” means services provided to children or adults with mental retardation to assist with the acquisition, retention or improvement of skills related to activities of daily living, such as personal grooming and cleanliness, household chores, eating and food preparation, and the social and adaptive skills necessary to enable the child or adult to live in a non-institutional setting. Residential training services include only those services provided by designated agencies under a contract with the Department of Health and Human Services.

Sec. T -4. 36 M.R.S.A. §2552, sub-§1, ¶¶G and H, as enacted by PL 2005, c. 12, Pt. VV, §3, are amended to read:

Private nonmedical institution services; ~~and~~

Community support services;-

Sec. T -5. 36 M.R.S.A. §2552, sub-§1, ¶¶I, J and K, are enacted to read:

Day habilitation services;

Personal support services; and

Residential training services.

Sec. T -6. 36 M.R.S.A. §2559, as amended by PL 2005, c. 12, Pt. VV, §4, is further amended to read:

§2559. Application of revenues

Revenues derived by the tax imposed by this chapter must be credited to a General Fund suspense account. On or before the last day of each month, the State Controller shall transfer a percentage of the revenues received by the State Tax Assessor during the preceding month pursuant to the tax imposed by section 2552, subsection 1, paragraphs A to F to the Local Government Fund as provided by Title 30-A, section 5681, subsection 5. The balance remaining in the General Fund suspense account must be transferred to service provider tax General Fund revenue. On or before the 15th day of each month, the State Controller shall transfer all revenues received by the assessor during the preceding month pursuant to the tax imposed by section 2552, subsection 1, paragraphs ~~G and H~~, H, I, J and K to the Medical Care Services Other Special Revenue Funds account, the Other Special Revenue funds Mental Health Services - Community Medicaid program, the Medicaid Services - Mental Retardation program and the Office of Substance Abuse - Medicaid Seed program within the Department of Health and Human Services.

PART U

Sec. U-1. 7 MRSA §3915 is amended to read:

Any person who violates this chapter commits a civil violation for which a forfeiture of not less than ~~\$50~~\$100 nor more than \$250 may be adjudged for a first violation and not less than \$100 nor more than \$500 for 2 or more violations, none of which may be suspended.

Sec. U-2. 17-A M.R.S.A. §1111-A(4) is amended to read:

4. A person is guilty of the sale and use of drug paraphernalia if:

- A. The person uses drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a scheduled drug in violation of this chapter or Title 22, section 2383. Violation of this paragraph is a civil violation for which a forfeiture of not ~~more~~ less than ~~\$200~~ may \$300 must be adjudged, none of which may be suspended;
- B. The person possesses with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a scheduled drug in violation of this chapter or Title 22, section 2383. Violation of this paragraph is a civil violation for which a forfeiture of not ~~more~~ less than ~~\$200~~ may \$300 must be adjudged, none of which may be suspended;

Sec. U-3. 17-A MRSA §1301(6) is enacted to read:

- (6) Notwithstanding any other provision of this Code, for any violation of chapter 45 there shall be a minimum penalty of a fine of not less than \$300, none of which may be suspended.

Sec. U-4. 17-A MRSA §1301(7) is enacted to read:

(7) Notwithstanding any other provision of this Code, any person convicted of a crime under the following sections shall be sentenced to pay a minimum fine for the first offense, none of which may be suspended:

- A. \$150 for section 505.
- B. \$175 for section 402 and 502.
- C. \$200 for section 404 and 1055.
- D. \$225 for section 751.
- E. \$250 for section 751-A.

Sec. U-5. 22 M.R.S.A. §2383(1) is amended to read:

(1) Marijuana. Except as provided in section 2383-B, subsection 5, a person may not possess marijuana.

A. A person who possess a usable amount of marijuana commits a civil violation for which a fine of not less than ~~\$200~~ \$400 and not more than ~~\$400~~ \$600 must be adjudged, none of which may be suspended.

B. A person who possess a usable amount of marijuana after having previously violated this subsection within a 6-year period commits a civil violation for which a fine of ~~\$400~~ \$600 must be adjudged, none of which may be suspended.

Sec. U-6. 22 MRSA §2389(3) is amended to read:

(3) Violation. A minor who violates this section commits a civil violation for which a forfeiture of not less than less than \$200, or more than \$500 may be adjudged, none of which may be suspended. A forfeiture of not less than \$200 must be adjudged for a 2nd offense and a forfeiture of not less than \$400 must be adjudged for a 3rd or subsequent offense, none of which may be suspended.

Sec. U-7. 28-A M.R.S.A. §2052(1-A) is amended to read:

1-A. Minor may not transport liquor. Except as provided in subsection 1-B, a minor may not knowingly transport or knowingly permit to be transported liquor in a motor vehicle under the minor's control. The following penalties apply to violations of this subsection.

A. A minor who violates this subsection commits a civil violation for which a fine of not less than \$200, or more than \$500 may be adjudged, none of which may be suspended.

Sec. U-8. 29-A M.R.S.A. §2413(4) is enacted:

(4) Fine. There shall be a minimum penalty of a fine of not less than \$500, none of which may be suspended.

4.5. Exception. This section does not apply to the operation of a vehicle:

- A. In racing events and exhibitions at which the public does not have access to the operating area; or
- B. On private land to which the public does not have access when used by or with authorization of the landowner.

5.6. Notice. The court shall give notice of the suspension and take physical custody of a driver's license as provided in section 2434.

Sec. U-9. 29-A M.R.S.A. §2601(11) is enacted:

(11) Fine. There shall be a minimum penalty of a fine of not less than \$175, none of which may be suspended.

PART V

Sec. V-1 PL 2005, c.3 Pt. C, §1 is amended to read:

Sec. C-1. Limit on transfers to circuit breaker reserve. Notwithstanding the Maine Revised Statutes, Title 36, Section 6203-A, the State Tax Assessor may certify transfers to the circuit breaker reserve up to and not to exceed a total of ~~\$26,777,647~~ **\$26,127,647** in fiscal year 2004-05

Sec. V-2. Transfer of funds. Notwithstanding any other provision of law, the State Controller shall transfer \$1,000,000 from the Business Equipment Property Tax Reimbursement (BETR) account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund on or before June 30, 2005.

Sec. V-3. Transfer of funds. Notwithstanding any other provision of law, the State Controller shall transfer \$655,194 from the Homestead Property Tax Exemption Reimbursement program account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund on or before June 30, 2005.